

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

UNITED STATES OF AMERICA,)

Plaintiff,)

v.)

Case No. 4:12CR358 CDP

ARLANDO QUARLES,)

Defendant.)

ORDER

This matter is before the Court on defendant Arlando Quarles' motion to dismiss the indictment or in the alternative to pursue the defense of entrapment. The pretrial motions were referred to United States Magistrate Judge Frederick R. Buckles pursuant to 28 U.S.C. § 636(b). Judge Buckles scheduled a motions hearing but at the hearing all counsel agreed that the entrapment issue was one for trial and not for a motion to dismiss. Judge Buckles accordingly recommended that the motion to dismiss be denied. No party has filed any objections to the Magistrate Judge's recommendations.

I agree that this is an issue that should be left for trial. Whether the jury will be given an instruction on the entrapment defense is not something that can be resolved on this record. Accordingly,

IT IS HEREBY ORDERED that the Report and Recommendation of the United States Magistrate Judge [#39] is **SUSTAINED, ADOPTED, and INCORPORATED** herein.


IT IS FURTHER ORDERED that defendant's motion to dismiss or alternative motion to present entrapment defense [# 34] is denied, without prejudice for defendant to raise the issue at trial.

IT IS FURTHER ORDERED that this case is set for jury trial on **Monday, January 28, 2013, at 8:30 a.m.**

IT IS FURTHER ORDERED that the Court will hold a pretrial conference on **Wednesday, January 23, 2013 at 12:30 p.m.**

IT IS FURTHER ORDERED that no later than **January 14, 2013** counsel for the United States shall identify to defense counsel all recordings that will be played at trial, and shall provide any transcripts that the government expects to use. If defense counsel objects to the accuracy of any transcript, she must meet and confer with government counsel and attempt to resolve any conflict. If the conflict cannot be resolved, defense counsel must, not later than **January 18, 2013** file a motion with the court requesting that defendant's proposed transcript be used. The motion must provide the defendant's proposed transcript and the government's proposed transcript. The government must then provide chambers a

courtesy copy of the recording itself. No later than **January 18, 2013** counsel for the United States must file: (1) a notice of all evidence it wishes to introduce pursuant to Rule 404(b) or Rule 609, Fed. R. Evid.; (2) a written summary of any evidence the government intends to use under rules 702, 703, or 705; and (3) its proposed jury instructions.



CATHERINE D. PERRY
UNITED STATES DISTRICT JUDGE

Dated this 20th day of December, 2012.